



**WASHINGTON STATE  
CHIROPRACTIC QUALITY ASSURANCE COMMISSION  
MEETING MINUTES**

**December 11, 2014, 2014 – 9:00 a.m. to 4:05 p.m.**

Department of Health  
310 Israel Road, Room 152/153  
Tumwater, WA 98501

**Commission Members:**

Gabe (Gary) Smith, DC, Chair, Matthew Waldron, DC, Vice-Chair, Judy Colenso, Public Member, Aaron Chan, DC, James Slakey, Public Member, Winfield Hobbs, DC, Doug Long, DC, Robert Schmitt, DC, Bryson Langel, DC, Ronwynn Pratt, DC, Harold Rasmussen, DC, (absent), David Folweiler, DC, Kimberly Corbin Waters, DC, and Louise Stephens, Public Member.

**Commission Staff Present**

Leann Yount, Program Manager  
Bob Nicoloff, Executive Director  
Billie Jo Dale, Program Representative  
Lilia Lopez, Assistant Attorney General (AAG)  
Mike Ellsworth, DOH Supervising Staff Attorney  
Patrick Hanley, DOH Staff Attorney  
Andrea Vingo, DOH Staff Attorney  
Alex Lee, DOH Staff Attorney  
Judy Young DOH Staff Attorney

**Others Present**

Suzanne Becker, Assistant Attorney General  
Danielle Welliever, DOH Policy Analyst  
Ericka Brown, Credentialing Supervisor  
Cyndi Blake, Credentialing  
Lori Grassi, WSCA  
Dan Renfroe, DOH Project Manager  
Debbie Puryear-Tainer, DOH Online Project  
Diane McGuinness, SEIU Fraud Unit Investigator

On December 11, 2014 the Chiropractic Quality Assurance Commission (Commission) met in Tumwater, Washington at the Department of Health (DOH), 310 Israel Road, Room 152/153, and Tumwater, WA 98501. In accordance with the Open Public Meetings Act, the regular meeting agenda was made available on line at least 24-hours prior to the meeting.

**OPEN SESSION – December 11, 2014**

**9:05 a.m.**

**1. CALL TO ORDER – Dr. Smith, DC, Chair**

**9:05 a.m.**

- 1.1 The December 11, 2014 meeting agenda was approved as written.
- 1.2 The October 16, 2014 meeting minutes were approved with the following change:
  - Item 7.1, second paragraph – updated the definition of sexual misconduct to include DOH’s draft rule language of sexual contact with a person involving force,

intimidation, or lack of consent, or a conviction of a sex offense listed in [RCW 9.94A.030](#).

### 1.3 Message from the Chair:

- Introductions – Dr. Smith and Mike Ellsworth, Supervising Staff Attorney, introduced Staff Attorneys Alex Lee, Andrea Vingo, and Judy Young who will begin working with chiropractic disciplinary cases.

In the past there were only two staff attorneys that were handling the chiropractic caseload. The shift in staff attorneys came up with the recent decision by the Nursing Care Quality Assurance Commission (NCQAC) to bring staff attorneys under the NCQAC. This created an opportunity to look at the workload and to expand the number of staff attorneys that work on chiropractic cases to build depth and experience. Staff Attorney Patrick Hanley will continue to work on chiropractic cases. However, Staff Attorney Kyle Karinen will continue to work the chiropractic cases that he currently has, but will not be assigned new chiropractic cases.

- Washington State Chiropractic Association (WSCA) annual conference update:
  - The Commission table received a lot of traffic at the conference. We received 24 requests to be added to the chiropractic [listserv](#). One area that seemed of interest to chiropractors is the [new suicide screening and referral CE training requirement](#).
- WSCA update – Lori Grassi, Executive Director of the WSCA provided the following update:
  - Ms. Grassi indicated that legislation they considered regarding [regular senior students](#) performing spinal adjustments under [preceptors](#) will not be submitted for the 2015 legislative session. The WSCA does not have the school sports and Department of Transportation fitness physicals on their legislative priority list this year. However, they may reconsider submitting legislation after the Commission completes their comprehensive review of the chiropractic rules in the Washington Administrative Code.

The WSCA continues to communicate with the Office of the Insurance Commissioner on prior authorization for care and use of a tier system for providers' legislation.

## 2. DEPARTMENT OF HEALTH'S ONLINE LICENSING PROJECT UPDATE – 9:15a.m. Daniel Renfroe, Project Manager

### 2.1 Mr. Renfroe, Project Manager for the Online Licensing and Information Collection Project, provided a presentation to the Commission. Some of the highlights include:

- In 2011, a phased implementation began for online license renewals and online applications.
- Currently, 98 professions can renew online and nine professions can submit license applications online.
- The application processing time has decreased by 59% for online applications.
- The goal of the project is to improve patient safety and access to care by allowing providers and facilities the ability to provide care sooner.

- The goal is to make available all the health professions applications online by the June 30, 2016.

**3. PILOT PROJECT PLANNING UPDATE – Bob Nicoloff, Executive Director 9:45 a.m.**

**3.1** Bob Nicoloff provided an update on Pilot Project activities and Workgroups.

- Mr. Nicoloff distributed a case status report that he developed with Mike Ellsworth, Supervising Staff Attorney. The report shows the different phases of the process, description of the phase, and the parties involved in each phase. This report will help the Commission evaluate performance regarding completing investigations and disciplinary cases in timely manner. It will also help the Commission target areas where there are delays.
- Commission staff has been gathering background information relevant to each of the chiropractic rules. This information should be extremely helpful when the Rules Committees' begin the rulemaking process.
- Commission staff has been working on the February 12, 2015 Commission meeting. The location has been secured, catering has been arranged, and they are working with the presenters to complete the necessary paperwork.
- Mr. Nicoloff noted that there is an issue with putting the chiropractic license application online, as [RCW 18.25.020](#) doesn't allow for electronic signatures. However, in the 2015 legislative session, the Office of Financial Management will be submitting legislation to remove barriers and permit electronic signatures across all state agencies.
- Mr. Nicoloff informed the Commission that Billie Jo Dale has accepted a promotional position within the Office of Investigation and Inspection. Her last day with the Commission is December 31, 2014.

**4. RULES HEARING REGARDING WAC 246-808-150 CONTINUING EDUCATION REQUIREMENTS– Dr. Smith, DC, Chair 10:03am**

**4.1** A rules hearing was conducted for [WAC 246-808-150](#) – Commission Approved Continuing Education. The CR102 was filed on November 5, 2014 as WSR # 14-22-106.

The proposed rule implements provisions within [ESHB 2315](#) that create a new continuing education (CE) requirement for chiropractors. It establishes a one-time requirement for chiropractors to obtain three CE hours in suicide screening and referral elements only.

The proposed rule also adds CE subjects, limits and/or lifts the maximum number of hours that can be obtained in specific areas, and clarifies acceptable CE documentation requirements for chiropractors.

No written comments were received from members of the public within the public comment period. No members of the public attended the rules hearing.

Lilia Lopez, AAG made the following suggestions regarding the draft rule's hearing language:

- Subsection 3, second sentence – Change “no later than” to “during,”
- Subsection 3(a) – Change to read as follows: “A qualified training program is empirically supported training in suicide screening and referral ~~must be at~~ that is at least three hours in length which may be provided in one or more sessions.”

Ms. Lopez explained that changes in the content of the rule can be made without filing a supplemental notice as long as the revised rule is not substantially different from the proposed rule.

A motion was made to accept the changes as presented by Lilia Lopez, AAG. The Commission voted all in favor to accept the newly revised draft language as final language for filing.

The hearing concluded at 10:27 a.m.

Ms. Yount will proceed with filing the CR103 package to include the newly revised language. Once the revised rule language is filed with the Code Reviser, the rule will be effective 31-days later.

**5. REVIEW DRAFT PROCEDURE REGARDING SUBMITTING DOCUMENTS 10:30 a.m.  
FOR COMMISSION REVIEW – Bob Nicoloff, Executive Director**

- 5.1** The Commission reviewed the draft [procedure](#) regarding when and how documents for Commission review need to be submitted. A motion was made to adopt the draft procedure as presented. The Commission voted all in favor to adopt the procedure.

**6. ACCREDITATION OF SCHOOLS AND COLLEGES – Leann Yount, Program Manager**

- 6.1** The Commission reviewed the college matrix information along with [RCW 18.25.025](#), [WAC 246-808-020](#), [WAC 246-808-030](#), and [WAC 246-808-040](#).

Commission members discussed whether the foreign accrediting bodies' educational requirements and exams are equivalent to the Washington State chiropractic license requirements in [RCW 18.25.020](#) and [WAC 246-808-105](#). After discussion, the Commission determined further research is needed.

This item was referred to the Continuing Education/Standard of Care Committee for further discussion at the February 12, 2015 meeting to determine if the foreign accrediting bodies' requirements are equivalent to Washington States. If so, the Commission may have the ability to recognize foreign trained schools that apply to the Commission for recognition. Once a school has been recognized/approved by the Commission, students that apply for a Washington State chiropractic license from that school, and meet any other licensure requirements, will be issued a license to practice chiropractic in Washington.

## **7. ASSISTANT ATTORNEY GENERAL REPORT – Lilia Lopez, AAG**

**11:00 a.m.**

**7.1** Ms. Lopez updated the Commission about the following items:

- Revised Independent Chiropractic Examinations Interpretive Statement –
  - Conducting independent chiropractic paper reviews without physically examining the patient.
    - After further discussion with the Commission, Ms. Lopez will review the existing interpretive statement for revision, and follow up at the February 12, 2014 meeting.
- Suicide Assessment and Referral Continuing Education (CE) Interpretive Statement. It was mentioned at the October meeting, that an Interpretive Statement may be necessary to inform chiropractors of when the new CE requirement is due. The Commission determined that an Interpretive Statement is not necessary, as the law is clear.

The Commission will also inform individuals of the new CE requirement by putting the requirement on the chiropractic website, submitting an article in the January – April 2015 newsletter, and are also discussing placing a reminder on the back of the license renewal cards.

## **8. NEW BUSINESS REQUESTED FROM DECEMBER 11, 2014 MEETING**

**11:30 a.m.**

**8.1** The following new business items were requested for discussion during the October 16, 2014 meeting:

- Citrix access for Commission members, public disclosure requirements, and subject to search personal devices – Lilia Lopez, AAG.
  - Mr. Nicoloff mentioned that the Boards and Commissions that had Citrix access for their members have decided to not use it any longer due to the technical difficulties.
  - Ms. Lopez reminded Commission members that when conducting state business on their personal computers/devices, they may be subject to search through public disclosure.
    - Commission staff should be copied on all correspondence Commission members send and receive, so that DOH can respond if a public disclosure request is made.
- Ms. Yount presented issues we are seeing with licensees renewing their credential very close to the expiration date, not attesting to the CE requirement, and not signing the renewal card. When this happens, the credential is not renewed and a deficiency letter is sent to the licensee right away. There are laws/rules the DOH must follow and they must process money as soon as it is received.

If the licensee renews the day before their license expires, but fails to attest to the CE requirement or sign the renewal card, the money is processed but the license is not issued until the deficient information is received.

The licensee must receive their deficiency letter in the mail first before they are made aware that their license was not renewed. If they continue to work, then they are working on an expired license, which may result in disciplinary action and potential problems with insurance companies and patients. This is why it is important to renew in a timely manner to allow for unexpected deficiencies.

The DOH sends courtesy renewal cards out in the mail to the address on record 90-days prior to the license expiration date.

The Commission discussed this issue and requested that Executive Director, Bob Nicoloff, develop a policy to be presented at the February 12, 2015 meeting for consideration.

- Jurisprudence exam and CE credit – Dr. Langel.
  - The Commission reviewed the suggestion of receiving CE credit for taking the JP exam and thought it was a good idea. However, there are some concerns and questions that come with this option. For example, the Commission would need to increase the bank of exam questions. Another question was raised regarding would anything need to be done if the licensee fails the exam? If someone failed the exam, will a complaint need to be filed against the licensee?

At this time, the exam will not be available for CE credit.

**9. MOCK DISCIPLINARY AUDIT CASE REVIEW – Dr. Folweiler 12:00 p.m.**

**9.1** Dr. Folweiler presented a mock audit for training purposes.

**LUNCH - Commission members continued meeting through lunch. 12:00 p.m.**

**10. CHIROPRACTIC QUALITY ASSURANCE COMMISSION COMMITTEES 12:30 p.m.**

**10.1 Planning/Executive Committee:**

Members include: Gabe Smith, DC, Chair, Matthew Waldron, DC, Vice-Chair, Harold Rasmussen, DC, Immediate Past Chair, and Jim Slakey, Chair Public Member

**Priority #1**

- Committee members continued planning for the extended meeting on February 12, 2015.

## **10.2 Budget Committee:**

Members include: Jim Slakey, Public Member, Chair, Gabe Smith, DC, Matthew Waldron, DC, Harold Rasmussen, DC, and Winfield Hobbs, DC

### **Priority #1**

- Committee members reviewed the current budget report. Mr. Slakey reported that the budget is doing fine. The Committee is monitoring the budget for potentially recommending to the Commission another licensing fee decrease in 2015 or 2016.

## **10.3 Instrumentation and Procedure/Standard of Care Committee:**

Members include: Win Hobbs, DC, Chair, Doug Long, DC, Ronwynn Pratt, DC, and David Folweiler, DC

### **Priority #1**

- Committee members continued to review all the documents regarding Diagnostic Ultrasound and Pulse Magnetic Field (PEMF). The Committee recommended to the Commission postponing the classification of Diagnostic Ultrasound until the April 9, 2015 meeting so they can also consider the Diagnostic Ultrasound presentation that will be given at the February 12, 2015 meeting.

The Commission voted all in favor to defer the recommendation.

The Committee reviewed the PEMF request and recommended to the Commission that the procedure not be approved, as it is not taught in any chiropractic schools. A motion was made to deny the use of the PEMF in Washington on chiropractic patients. The Commission voted all in favor.

Ms. Yount will add the PEMF to the non-approved section of the Instrumentation and Procedures List.

## **10.4 Research Committee:**

Members include: Bryson Lange1, DC, Chair, Aaron Chan, DC, Judy Colenso, Public Member, Robert Schmitt, DC, and Louise Stephens, Public Member.

### **Priority #1**

- Committee members reviewed [ESHB 2160](#) – Physical Therapist (PT) and spinal manipulation and the draft rule language.

The Committee had a question about the number of CE hours required to maintain the endorsement. Ms. Yount will inquire with the PT program manager and provide the answer at the February 12, 2015 meeting.

## Ongoing

- Committee members reviewed the following list/label request:
  - Health Market Science, Inc. – requested lists/labels to be used in assisting pharmaceutical companies to develop transparency reports pursuant to Patient Protection and Affordable Care Act Section 6002.

The Committee recommended denying the request, as it is not related to chiropractic. A motion was made to deny the request and the Commission approved it all in favor.

Ms. Yount will send the requester the denial letter.

### 10.5 Continuing Education/Continued Competency/State Examination Committee:

Members include: Aaron Chan, DC, Chair, Bryson Langel, DC, Win Hobbs, DC, Louise Stephens, Public Member, and David Folweiler, DC

#### Priority #1

- The Committee reviewed a demonstration of the online jurisprudence (JP) exam. The Committee reported that the JP exam is close to going live.

The exam score will not be sent directly to the applicant. It will be sent to program and program will work with the Credentialing section to notify the applicant of their score.

The Committee recommends having two or three different versions of the exam to allow for multiple failed attempts.

#### Ongoing:

- Committee members reviewed the JP exam comments and made recommendations to the Commission, as appropriate. The Commission accepted their recommendations.

### 10.6 Communications Committee:

Members include: Doug Long, DC, Chair, Judy Colenso, Public Member, Robert Schmitt, DC, Ronwynn Pratt, DC, and Vacant DC

#### Priority #1

- Committee members continued reviewing the drafted articles, as well as continued working on drafting future articles ,to include:
  - Records Retention – [WAC 246-808-650](#) and [RCW 70.02.160](#) – Dr. Long
  - Oxygen usage – Dr. Long
  - Performance measures – Bob Nicoloff.
  - Responsibility of a Retiring Chiropractor – Judy Colenso
  - CE Audits
  - Pilot Project Update – Dr. Waldron and Mr. Nicoloff
  - Non-L&I patients but chiropractor is treating workers compensation patients – Dr. Pratt
  - X-Ray Artifacts – Dr. Langel
  - Role of a Public Member – Louise Stephens & Judy Colenso

- Online Jurisprudence Exam and New Disciplinary Exam Fee of \$100 – Dr. Chan
- Ongoing Rules Updates – Leann Yount
- New Procedure to Review and Classify Procedures and Instruments – Dr. Hobbs
- Future Care Contracts
- What Commission Does / Role of a Commissioner – Dr. Waldron

**Articles Under Review:**

- Ethics and Boundaries NBCE Exam – Dr. Waldron
- Records Retention – Dr. Long
- Suicide Assessment & Referral – Leann Yount
- Electronic Health Records – Dr. Schmitt
- Commissioner Spotlight – Dr. Rasmussen

The committee reviewed and made changes to the articles that were submitted. They also requested that everyone complete their articles within the next two meetings for review.

**Ongoing:**

- Summary of disciplinary cases – Leann Yount

**Priority #2**

- Committee members reviewed and edited the January – April 2015 draft newsletter and made recommendations to the Commission.

Commission members voted all in favor and accepted the newsletter. Ms. Yount will make the edits, post it on the website, and send it to the chiropractic listserv.

**Priority #3**

- Committee members continued reviewing and working on the Chiropractic Quality Assurance Commission Overview PowerPoint presentation and made recommendations to the Commission.

Dr. Long reported that the presentation has been given to Ms. Yount on a disc, as it is too large to send via email.

The Committee recommends that the presentation be used on a Commission table at a future WSCA conference, made available online, and/or by holding meetings around the state and offering CE after the presentation.

**10.7 Pilot Committee:**

Members include: Matthew Waldron, DC, Chair, Jim Slakey, Public Member, Harold Rasmussen, DC, and Gabe Smith, DC

**Priority #1**

- Committee members met to discuss the Pilot Work groups' progress and to identify areas needing attention and next steps.

**10.8 Rules Committees Panel A:**

Members include: Harold Rasmussen, Chair, Winfield Hobbs, DC, Robert Schmitt, DC, Gabe Smith, DC, Bryson Langel, DC, David Folweiler, and Jim Slakey, Public Member

and

**10.9 Rules Committees Panel B:**

Members include: Ronwynn Pratt, DC, Chair, Aaron Chan, DC, Doug Long, DC, Matthew Waldron, DC, Judy Colenso, Public Member, and Louise Stephens, Public Member

**Priority #1**

- The CR 101 for WAC 246-808-545 Improper Billing was filed 10/30/14 under WSR 14-22-046. Committee members worked on drafting rule language.

The entire Commission reviewed and discussed WAC 246-808-545 Improper Billing. It was suggested that the following language be added to the rule as subsection 3:

(3) Nothing in this chapter should stop a provider from offering a time of service discount to a patient.

A motion was made to accept the draft language and submit as a CR 102. The Commission voted all in favor.

**11. COMMITTEE REPORTS**

**3:00 p.m.**

**11.1** Committees reported to the Commission about their committee work. Some items were presented as a status update and others were presented for consideration as described above.

**12. ONLINE JURISPRUDENCE EXAM DEMONSTRATION –  
Bob Nicoloff, Executive Director**

**12.1** See Item 10.5.

**13. MANAGEMENT REPORT – Bob Nicoloff and Leann Yount**

**3:30 p.m.**

**13.1** Billie Jo Dale provided an update regarding a change in the renewal notice process. Beginning January 1, 2015 the Office of Customer Service will send out renewal notices to licensees' 90-days prior to their expiration date. In the past, renewal notices had been sent out 60-days prior to their expiration date even though [WAC 246-12-030](#) allows licenses to be renewed up to 90-days prior to the expiration date.

**13.2** Other rules and legislation of interest to the Commission include:

- It is possible that more suicide prevention CE legislation may be introduced during the 2015 session. Representative Orwall may add more content specific requirements for training in suicide prevention.

**13.3** Commission members were provided a handout of the 2015 [Commission meeting dates](#) that were filed with the Code Reviser on November 25, 2014.

**14. NEW BUSINESS**

**3:40 a.m.**

**14.1** The following items were brought up as new business:

- Update personal data questions on the license application – Dr. Hobbs
- Attestation on renewal form for suicide prevention training – Dr. Hobbs
- Policy statement on closing a practice – Judy Colenso
- Communicating with legislation on chiropractic topics – Dr. Folweiler

**15. PUBLIC COMMENT**

**3:50 p.m.**

**15.1** No public comment was received.

**16. CONSENT AGENDA**

Items listed under the consent agenda (informational items) are routine agency matters. Items were approved by a single motion of the Commission without discussion.

**16.1** October 2014 issue of “The Sentinel News for Department Employees.”

**16.2** Chiropractic and chiropractic x-ray licensing statistics as of November 2014.

**17. COMMISSION ADJOURNMENT**

**4:05 p.m.**

**Next Business Meeting:**

**February 12, 2015**

[DoubleTree by Hilton](#)

415 Capitol Way North

Olympia, WA 98501

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Prepared By: Leann Yount, Program Manager

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Date

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Approved By: Gary “Gabe” Smith, DC, Chair

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Date

*Licensing Statistics as of November 19, 2014*

**Chiropractic X-ray Technicians**

**October 6, 2014      November 19, 2014**

Total Active Licenses	204	203
Total Pending Licenses	14	18
Expired in Renewal (expired more than 1 year since last renewed)	69	66
Expired Licenses (expired within 1 year since last renewed)	908	918
Total Revoked	1	1
Total Suspended	3	3
Active on Probation	0	0
Active with Restrictions or Conditions	0	0

**Chiropractors**

**October 6, 2014      November 19, 2014**

Total Active Licenses	2368	2388
Total Pending Licenses	59	47
Total Inactive Licenses	159	162
Expired in Renewal (expired within 1 year since last renewed)	92	92
Expired Licenses (expired more than 1 year since last renewed)	2547	2552
Total Revoked	35	36
Total Suspended	44	43
Active on Probation	6	7
Active with Restrictions	1	1
Active with Conditions	13	14